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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,062	09/30/2003	Michael P.C. Lau	P69177USD	1402
136 7590 01/14/2010 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/14/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/674,062

**Applicant(s)**

LAU ET AL.

**Examiner**

ADETOKUNBO O. TORIMIRO

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4,5,7 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,7 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The amendment filed on 09/22/2009 has been entered. It is noted that claims 2,4, and 7 have been amended. Claims 17 and 18 have been cancelled.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 2 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being unclear based on the amendment to the claim that includes direct communication between the controller and system, since the fig.1 and par.[0049] teaches a data console which acts as both transmitter and receiver. It is unclear how the media file reader and display receives operational code directly from the first unit when there is a data console (4) associated with the connection. See MPEP § 2172.01.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,4,5,7, and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh (US 7,003,598) in view of Flinn (US 6,657,550).

Re claims 2,5,7: Kavanagh teaches a game apparatus for use with a media file reading such as a DVD player (101) and display apparatus such as a TV (100) operable by wireless signals through a wireless signal receiver (**see fig.1**) said game apparatus comprising wireless signal transmitter units for producing infrared wireless signals in response to user inputs entered into the wireless signal transmitter / *game control units* where the infrared signals generated by the game control unit are not indicative of signals ordinarily processed by the media file reading and display apparatus, which means that the infrared signal produced by the game control unit is different from the regular DVD operational signals (**see abstract; col.4, lines 20-51**); game control units with means for automatically transmitting the operational code of the infrared wireless signal produced by the game control unit wherein the DVD and TV receives the operational code directly from the first unit and/or remote control / *as discussed by Kavanagh, the control repeater is an optional unit that can be introduced into the game system so as to make the game control usable from any direction since a player has to be directly in front of the receiver for an IR transmission to function; therefore Kavanagh also teaches implicitly teach direct transmission between the DVD and remote controller by just by-passing the control repeater (102) (see col.4, lines 22-31)* and processes the operational code / *game defining code* by the DVD player and TV enables a direct selection and display of a media file / *game play* wherein the selection and display is an indication of a game option (**see col.5, lines 6-17**) by utilizing imposed offset addressing where specific inputs are set on the game controller to produce specific single-step activation (**see col.10, lines 13-36**) which explains that the game controller is set up in such a way that there are specific keys associated with certain actions in a

game where each buttons could be assigned a specific character in the game hence providing single-step activation.

However, Kavanagh does not explicitly teach at least two wireless signal transmitter units with means of resolving near simultaneous operation of said signal transmitter units contained in each of the wireless transmitter units where means for receiving, transmitting, and comparing / *matching* codes is included and wherein a first received signal is not determined based on the first signal code received through the wireless lock-out system.

Flinn teaches at least two wireless signal transmitter units with means of resolving near simultaneous operation of said signal transmitter units contained in each of the wireless transmitter units where means for receiving, transmitting, and comparing / *matching* codes is included and wherein a first received signal is not determined based on the first signal code received through the wireless lock-out system; wherein the lock-out feature of the control unit functions as the means for resolving halt any further transmission by units other than the first unit producing a first transmission (see abstract; fig.4A; col.1, lines 49-64; col.2, lines 5-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Flinn into the teachings of Kavanagh. One would be motivated to do this so as to have a system whereby the tracking of individual wireless signals is possible wherein the first signal is given priority when an almost simultaneous signal is transmitted with specific identification codes assigned to each of the plurality of wireless devices.

Re claim 4: Kavanagh teaches wherein the wireless transmitter units include remote controls for a digital video machine (**see abstract; col.6, lines 14-28**).

Re claims 10-18: Kavanagh teaches the game system where media containing apparatus, storage device, and a computer readable medium such as compact disc, DVD (106), etc contains programming, operational, and game instructions and information to control the movement and game play through the wireless controller (**see abstract; fig.1; col.1, lines 54-59; col.2, lines 23-29; col.5, lines 46-56**); said media file / *data and execution codes* stored on the storage device, provides access, navigation, and maps to the alternate memory locations/ *various clips and instructions* in the game file to display screen images and response to commands and signals from the controller, where the programming instructions are affected in reference to the operational code of the infrared wireless signal from the game control unit (**see fig.3; col.2, lines 23-33; col.3, lines 34-50**).

### ***Response to Arguments***

6. Applicant's arguments filed 09/22/2009 have been fully considered but they are not persuasive.

In response to the argument that Kavanagh does not teach direct communication between the DVD and the remote control, the examiner disagrees by pointing out that as described above, the control repeater is an optional unit that can be introduced into the game system so as to make the game control usable from any direction since a player has to be directly in front of the receiver for an IR transmission to function; therefore Kavanagh also teaches implicitly that direct

transmission between the DVD and remote controller can be established by just simply by-passing the control repeater (102). Further the game can function without the signal repeater (102) since the repeater is simply included as seen in col.4, lines 22-31 to make the controller usable even when the player is constantly moving around and not directly pointing the remote controller at the DVD as known with IR signals.

In response to the argument that Kavanagh teach utilizing standard DVD control signals, the examiner disagrees. The examiner points out that the abstract has read and interpreted refers to the remote control mimicking a standard remote control when it comes to regular DVD operations such as playback and movies and audiovisuals, but does not utilize standard DVD control for playing games. As specifically mentioned, the abstract of Kavanagh discloses "

Specifically, the game control unit mimics standard remote control signals to control playback of the audiovisual content by the DVD player ",

which is specific that during the audiovisual playback on the DVD player, the game control can also be used. The teaching of Kavanagh therefore implies that the game controller can be used for both regular DVD functions and for game operation. Further col.9, lines 46-55 explains that the game control is different in form and functionality from a standard DVD controller.

In response to the argument that Kavanagh does not teach single-step activation control, the examiner disagrees by pointing out that in col.10, lines 13-36, Kavanagh discloses that application specific keys are provided where each button could be assigned specific game character depending on the game, thereby providing single-step activation and not DVD standard application as argued by applicant. Further the examiner points out that the applicant's controller possessing just four buttons is a design choice since the

Kavanagh's includes plurality of buttons which are assignable as discussed above.

In response to the argument that Flinn does not teach the means of resolving first transmitted signal, the examiner disagrees. Firstly the examiner points out that the claims have been examined, interpreted, and rejected as written and presented. The examiner points out that the Flinn reference in the abstract amongst other cited portions, teaches that when a first transmitted signal is received in a near simultaneous operation .i.e. one signal is received before another, only the first signal transmitted is allowed to be routed through the processor as the first transmitter, thereby allowing transmissions from individual transmitters.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./  
Examiner, Art Unit 3714

/John M Hotaling II/  
Primary Examiner, Art Unit 3714